Automated Decision-Making Systems (ADS) Workgroup Meeting

September 9, 2021

Agenda for September 9, 2021 Meeting

Agenda

2:30   Welcome and administrative updates – Katy Ruckle

2:40   Small Group Reports – Matt King, Jon Pincus, David Luxton

3:20   Workgroup Discussion – Workgroup members

3:45   Report Structure and Policy Recommendations - Katy

4:00   Answers to Open Tasks – Assigned work group members

4:15   Open Discussion

4:30   Adjourn

Welcome and Administrative Updates

OPDP

Administrative Updates

- Teams Channel is established for Workgroup members external workgroup members have been added to the Team Channel and should have received notice of inclusion.

- Small group meeting notes will be posted in the Teams Channel.

Automated Decision-making Systems Workgroup

Small Group Reports

ADS Small Group Discussions

Matt King

Last Name	First Name	Organization
Adams	Gena	DOC
Aguilar	Nancy	CHA
Allred	Robert	ESD
Angel	Maria	UW Law
Block	Bill	ACLU
Chen	Christopher	HCA
Krutsinger	Allison	DCFY

Jon Pincus

Last Name	First Name	Organization
Del Villar	Ashley	La Resistencia and Mijente
Fisher	Greg	DOC
Glenn	Kirsta	LNI
Gogan	Jenise	DSHS/BHA
Gonzalez	Eric	ACLU
Gordon	Elizabeth	Governor's Committee for Disability Issues and Employment
Ott	Cathie	HCA
Palma	Sergio	DSHS/ALTSA
Pincus	Jon	A Change is Coming
Auffray	Brianna	CAIR-WA
Puckett	Derek	WaTech
Ruckle	Katy	OCIO
Ybarra	Vickie	DCYF

David Luxton

Last Name	First Name	Organization
Japhet	Robin	DES
Henson	Crystal	DVA
Lee	Jennifer	ACLU
Luxton	David	DVA (former DOC)
Mancuso	David	DSHS/RDA
Mason	Aaron	DCYF
McGrew	Elena	DES

Proviso details

Are there changes needed regarding the development, procurement, and use of ADS by state agencies?

If yes, what types of changes?

Development?

Procurement?

Use?

How can ADS be reviewed before adoption?

How can ADS be reviewed while in operation?

Audited to ensure ADS is fair, transparent, and accountable?

How can state ensure ADS does not improperly advantage or disadvantage particular residents?

ADS Budget Proviso Implementation
Questions for State Agencies

1. What is the automated decision system's name, vendor and version?
2. What decisions is the system utilized to make?
3. What data is inputted into the system?
4. How is the input data gathered, how often is it updated, and are subjective inputs ever audited for consistency across data collectors?
5. Is the decision algorithm is available for examination by the agency and/or the public?
6. Has there been any public or community engagement used in selection or design of the system? If so, please describe this engagement.
7. Does law or regulation mandate any of the decision system criteria? If so, which criteria?
8. Do the system's decisions intentionally differentially affect members of protected classes, such as selecting persons with disabilities for certain benefits?
9. Has the system has been tested for unintended bias by the agency or an independent third party? If so, what were the results? Describe briefly the nature of the testing.

ADS Budget Proviso Implementation
Questions for State Agencies cont…

10. Has the system has produced known erroneous results and if so, what were those errors (including the results of any audits conducted to check for erroneous results)?

11. In addition to any intentional differential effect on members of a protected class, are there are other differential effects on protected classes as shown by comparison of the system's data to general census data or, where relevant, subpopulation data, such as the effect on justice system defendants of color as contrasted with all defendants? If audits have been performed to determine such differential effects, what were the results of those audits?

12. Can those affected by a system decision review and challenge the basis for that decision? If so, how, and what were the results of any such challenges?

13. Is the decision system is operated by a third party? If so, what rules govern such operation and what audits are conducted to ensure compliance;

14. What is the fiscal impact of the system, including initial cost, operating costs, and any cost savings established as flowing from use of the system.

15. What were the personnel hours required to gather the relevant information (questions 1-14) for the system examined?
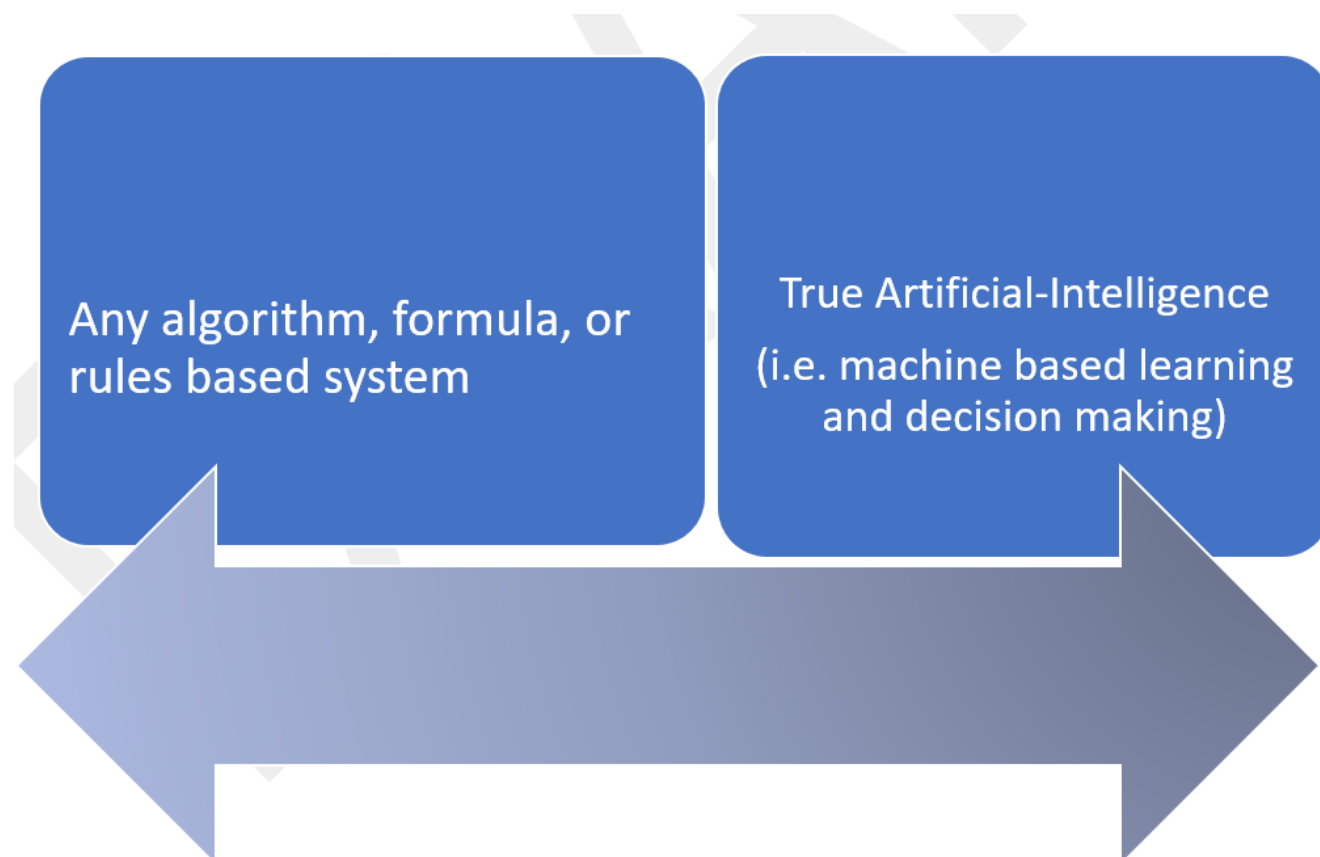
Definition of ADS in Proviso

(f) For purposes of this subsection, "automated decision system" or "system" means any algorithm, including one incorporating machine learning or other artificial intelligence techniques, that

- uses data-based analysis or calculations to make or support
    - government decisions,
    - judgments, or
    - conclusions
        - that cause a Washington resident to be treated differently than another Washington resident in the nature or amount of governmental interaction with that individual including, without limitation:
            - benefits,
            - protections,
            - required payments,
            - penalties,
            - regulations,
            - timing,
            - application, or
            - process requirements.

Workgroup Discussion
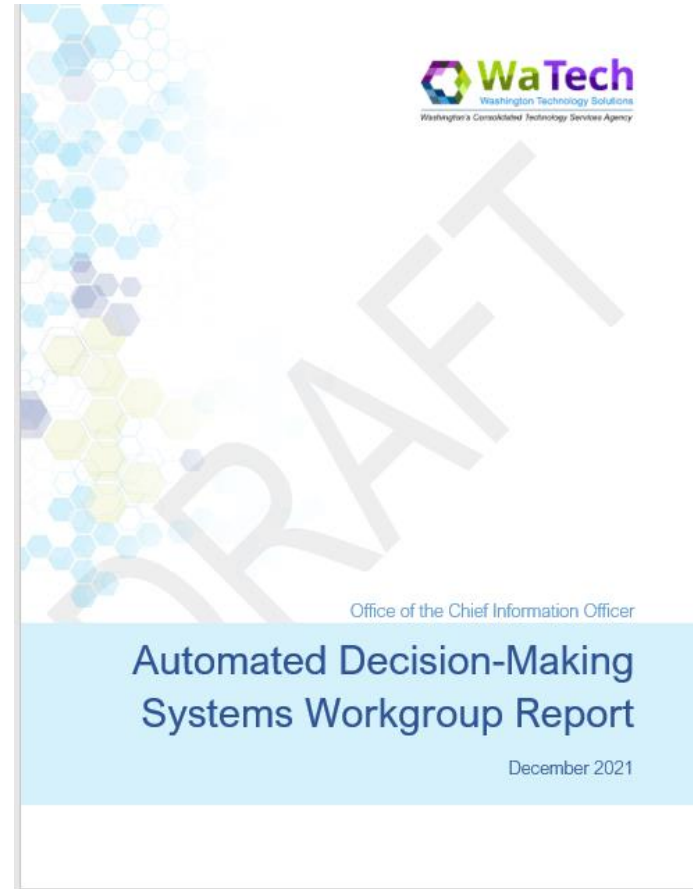
Spectrum on Scope and Definition of ADS

Any algorithm, formula, or rules based system

True Artificial-Intelligence (i.e. machine based learning and decision making)

Report Structure and Policy Recommendations

Report Drafting

Office of the Chief Information Officer

Automated Decision-Making Systems Workgroup Report

December 2021

Answers to Open Tasks – Assigned work group members

Action Item*	Description	Person Responsible	Resolution
03.03	Update Katy Ruckle on his designation as a workgroup member representing the Commission on Hispanic Affairs or the ACLU of Washington.	Eric Gonzalez	Eric will continue as an ACLU representative.
04.01	Coordinate Teams helpdesk ticket through resolution to allow external members access.	Katy Ruckle	External members added to Teams Channel 08/30/21
04.02	Assign workgroup members to small groups to discuss the ACLU's ADS Budget Proviso Implementation Questions for State Agencies.	Katy Ruckle David Luxton	Invites for small workgroups sent 08/30/21
04.03	Participate in small group discussions and note key discussion points, conclusions, and recommendations.	All Workgroup Members	Small workgroups met on 09/07/21

Open Discussion

Thank you!